

**2009-2010 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU**

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MARCH 4, 2009

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Ins 3-18:

SECTION 1. 13.41 of the statutes is created to read:

13.41 Interim successors for legislators. (1) A legislator, as soon as practicable after the legislature convenes under s. 13.02 (1), shall file with the chief clerk for the legislator's house a list of not fewer than 3 nor more than 7 interim successors for the legislator and shall specify their order of succession. The legislator may update the list as often as the legislator wishes.

(2) A list created under sub. (1) is not subject to inspection or copying under s. 19.35 (1).

(3) If there are more than 9 vacancies in the senate at the same time, as determined under s. 17.03, the presiding officer, or his or her designee, shall appoint interim successors to fill the vacancies from the list under sub. (1) for the legislators whose seats are vacant, in the order of succession specified. The presiding officer may not appoint an interim successor who is unwilling, unable, or ineligible under the constitution and statutes to serve as a legislator.

(4) If there are more than 25 vacancies in the assembly at the same time, as determined under s. 17.03, the presiding officer, or his or her designee, shall appoint interim successors to fill the vacancies from the list under sub. (1) for the legislators whose seats are vacant, in the order of succession specified. The presiding officer may not appoint an interim successor who is unwilling, unable, or ineligible under the constitution and statutes to serve as a legislator.

(5) Interim successors appointed under sub. (3) or (4) shall take the oath of office, but may not be required, as a prerequisite to the exercise of the powers or

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1 discharge of the duties of a legislator, to comply with any other provision of law
2 relative to taking office.

****NOTE: Legislative Council requested that this draft make the provisions under s. 166.08 that relate to "emergency interim successors" apply to legislative successors. The only provisions under s. 166.08 that are relevant to legislative successors are s. 166.08 (7) relating to eligibility, which is already included in subs (2) and (3) above, and s. 166.08 (8), which is duplicated here as sub. (5). The term "emergency" is unneeded.

3 (6) The chief clerk of each house, or if he or she is unavailable, his or her deputy,
4 shall notify the secretary of state of all vacancies that are filled by interim successors
5 under this section.

6 (7) An interim successor taking office under this section shall exercise the
7 powers and discharge the duties of the office until the vacancy is filled under s. 17.19.
8 All votes taken by an interim successor shall be as valid as if taken by an elected
9 legislator.

10 SECTION 2. 13.42 of the statutes is created to read:

11 13.42 Virtual meetings of the legislature and legislative committees.

12 (1) In this section:

13 (a) "Disaster" has the meaning given in s. 323.02 (6).

14 (b) "Member" means a member of the legislature.

15 (2) Either house of the legislature, under its rules or joint rules, may issue a
16 notice that the house and its committees are prevented from physically meeting at
17 the seat of government due to an emergency resulting from a disaster or the
18 imminent threat of a disaster.

19 (3) If a house issues a notice under sub. (2), that house and any committee of
20 that house may conduct a meeting and transact business through the use of any
21 means of communication by which all of the following occur:

****NOTE: The recodification of ch. 166 under this draft authorizes the governor to declare a state of emergency in response to a disaster or the imminent threat of a disaster.

This draft defines "disaster" as a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or critical systems, including agricultural systems. To provide consistency between this section and proposed ch. 323 we made an emergency resulting from a disaster, as defined in ch. 323, or the imminent threat of a disaster, the trigger for a virtual meeting.

(a) The identity of each participating member may be verified, and the actions of each participating member may be authenticated, in a manner satisfactory to the presiding officer or committee chairperson.

(b) During the meeting, all participating members may simultaneously hear or read the comments of each member who is recognized by the presiding officer or committee chairperson.

(c) Any document that is used during the meeting by a member and that is accepted by the presiding officer or committee chairperson is immediately transmitted to each participating member.

****NOTE: We changed par. (c) to cover documents since par. (b) seems to cover other communications.

(d) Except as provided in sub. (8), within technological limits, the public may monitor the proceedings of the house or committee.

(4) In order to hold a meeting of a joint committee in the manner provided under sub. (3), each house of the legislature shall issue a notice of emergency under sub. (2).

(5) For purposes of Article IV, section 11, of the Wisconsin Constitution, a meeting held under sub. (3) shall be considered to have occurred at the seat of government and all actions taken during the meeting shall have the same legal effect as if the members were physically present at the seat of government.

(6) For purposes of determining the presence of a quorum in proceedings or meetings held under this section, any participating member shall be considered



1 present in the same manner as if the member were physically present at the seat of
2 government.

3 (7) Except as provided in sub. (8),[✓] a meeting held under sub. (3)[✓] shall be
4 preceded by the same or substantially equivalent public notice as would be required
5 if the members were physically present at the seat of government.[✓]

6 (8) Subsections (3) (d)[✓] and (7)[✓] do not apply, if pursuant to ~~Article IV~~³ section 10,
7 of the Wisconsin Constitution, the public welfare requires secrecy.

8 (9) In presiding over a meeting of a house of the legislature described under
9 sub. (3),[✓] the presiding officer shall interpret and apply all rules of proceeding of that
10 house, which presume the physical presence of members in the house's chambers at
11 the seat of government, in such a manner as to accomplish the same purposes for
12 which the rules were adopted.[✓]

13 (10) Notwithstanding the requirement for a notice of emergency under[✓] sub. (2),
14 and pursuant to the session schedule under s. 13.02 (3),[✓] the legislature may meet for
15 up to one week per session by holding a meeting as described under[✓] sub. (3) in order
16 to practice meeting in that manner.

17 (11) This section[✓] does not limit the authority of either house of the legislature
18 to use teleconferencing for purposes of holding a committee meeting at the seat of
19 government.[✓]

20 **SECTION 3.** 14.38 (10m)[✓] of the statutes is created to read:

21 14.38 (10m) NOTIFICATION OF CONSTITUTIONAL AMENDMENT.[✓] If an amendment to
22 the Wisconsin Constitution[✓] is approved that requires the legislature to provide for
23 temporary succession to the powers and duties of public offices for the period of an
24 emergency[✓] resulting from a cause other than an enemy action, within 30[✓] days after

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1 the government accountability board records the approval under s. 7.70 (3) (h), notify
2 the legislature that the amendment has been approved.

3 (end ins 3-18)

5 **Ins 8-17:**

****NOTE: Current law requires hospitals to have a system for granting staff
privileges during a state of emergency declared by the governor that is related to public
health. Should the draft require hospitals to have a system for granting staff privileges
during any kind of declared emergency to better fit with proposed ch. 257, which
indemnifies volunteer health practitioners acting during any type of declared
emergency?

7 **Ins 9-13 and 9-16:**

****NOTE: Does the reference to a state of emergency make any sense
in these sections?

9 **Ins 10-2:**

****NOTE: Should this paragraph also refer to a state of emergency
declared by a local unit of government?

11 **Ins 10-24:**

****NOTE: Is this paragraph necessary? What about plumbers, electricians,
sanitary engineers, and other similar important licensed trades during an emergency?
Only state emergencies?

13 **Ins 11-10:**

14 **SECTION 4.** 102.29 (10) of the statutes is amended to read:

15 102.29 (10) ~~No behavioral health provider, health care provider, pupil services~~
16 ~~provider, or substance abuse prevention provider~~ A practitioner who, under s.
17 250.042 (4) (b) 257.03, is considered to be an employee of the state for purposes of

1 worker's compensation coverage while providing ~~volunteer, unpaid behavioral~~
2 ~~health services, health care services, pupil services, or substance abuse prevention~~
3 ~~services on behalf of a health care facility, the department of health services, or a local~~
4 ~~health department~~ during a state of emergency and who makes a claim for
5 compensation under this chapter may not make a claim or bring maintain an action
6 in tort against the health care facility, department, or local health department that
7 accepted those services.

(end ins 11-10)

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185.

9 **Ins 12-4:**

***NOTE: Is "assist in the administration of this chapter" the proper term? Perhaps
"assist with the compliance with this chapter?" Do we even need a reference to ch. 323
when we have ss. 323.12 (2) (c) and 323.177, which give the patrol certain powers, but not
administrative powers?

11 **Ins 12-12:**

12 **SECTION 5.** 165.25 (6) (b) of the statutes is amended to read:

13 165.25 (6) (b) Volunteer health care providers who provide services under s.
14 146.89 or 250.042 (4), ~~volunteer behavioral health providers, pupil services~~
15 ~~providers, and substance abuse prevention providers, practitioners~~ who provide
16 services under s. 250.042 (4) 257.03, and health care facilities on whose behalf
17 services are provided under s. 250.042 (4) 257.03 are, for the provision of those
18 services, covered by this section and shall be considered agents of the department of
19 health services for purposes of determining which agency head may request the
20 attorney general to appear and defend them.

22 **Insert 15-8:**



1 ~~NO~~ If the governor determines that the emergency is related to computer or
2 telecommunication systems, he or she may designate the department of
3 administration as the lead agency to respond to that emergency. ~~NO~~

****NOTE: This change adds language for governor-declared emergencies relating to computer or telecommunication systems.

(end ins 15-8)

4

5 **Insert 17-10:**

6 ~~NO~~ and of the department of administration with respect to aspects of the plan
7 related to computer or telecommunication systems. ~~NO~~

****NOTE: This change adds language for governor-declared emergencies relating to computer or telecommunication systems.

8

9 **Insert 18-3:**

10 ~~NO~~ and with the department of administration regarding the provision of incident
11 command system training for emergencies related to computer or
12 telecommunication systems. ~~NO~~

****NOTE: This change adds language for emergencies relating to computer or telecommunication systems.

13

14 **Insert 28-9:**

15 **SECTION 6.** 166.03 (10) of the statutes is repealed.

16

17 **Ins 31-3:**

18 **SECTION 7.** 166.05 (title) of the statutes is renumbered 323.51 (title).

19 **SECTION 8.** 166.05 (1) of the statutes is renumbered 323.51 (1) and amended

20 to read:



323.51 (1) [✓] DESIGNATION AND USE OF A TEMPORARY LOCATION BY THE GOVERNOR. [✓]

Whenever, during a state of emergency as the result of a disaster or the imminent threat of a disaster, [✓] it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the state capital, the governor shall, as often as the exigencies of the situation require, ~~by proclamation~~ designate ~~an emergency~~ a temporary location for the seat of government at ~~such~~ a place within or without this state as ~~he or she deems advisable, and~~. [✓] The governor shall take ~~such~~ any action and issue ~~such~~ any [✓] orders as are necessary for an orderly transition of the affairs of state government to ~~such emergency~~ the temporary location. [✓] If practicable, the emergency temporary location ~~so designated by the governor~~ designates shall conform to that provided for in the current emergency management plan authorized by ~~s. 166.03~~ [✓] under subch. II. ~~Such emergency~~ [⚡] The temporary location shall remain as the seat of government until the governor establishes a new location under this section, or until the emergency is ended under s. 166.03 and the seat of government is returned to its normal location.

SECTION 9. 166.05 (2) [✓] of the statutes is renumbered 323.51 (3) [✓] and amended to read:

323.51 (3) [✓] EXERCISE OF GOVERNMENTAL AUTHORITY. [✓] While the seat of government remains at ~~such~~ a temporary location all official acts required by law to be performed at the seat of government by any officer, independent agency, department, or authority of this state, including the convening and meeting of the legislature in regular or special session under sub. (1) [✓] or (2) (b) [✓] or (c) [✓], shall be as valid and binding when performed at ~~such~~ the emergency temporary location as if performed at the normal location.

SECTION 10. 166.06 (title) of the statutes is renumbered 323.52 (title) and amended to read:

323.52 (title) ~~Emergency temporary~~ Temporary locations of government for ~~counties, towns and municipalities~~ local units of government.

History: 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.06; 1995 a. 247.

SECTION 11. 166.06 (1) of the statutes is renumbered 323.52 (1) and amended to read:

323.52 (1) DESIGNATION OF ~~EMERGENCY~~ TEMPORARY LOCATIONS. Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place ~~or places thereof~~, the governing body of each ~~county, town and municipality of this state~~ local unit of government may meet at any place within or without the territorial limits of such ~~political subdivision~~ the local unit of government on the call of the presiding officer or his or her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute ~~sites or~~ places as the emergency temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute ~~site or~~ places may be within or without the territorial limits of such ~~county, town or municipality~~ the local unit of government and may be within or without those of the state. If practicable, they shall be the ~~sites or~~ places designated as the emergency temporary locations of government in the current emergency management plan.

History: 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.06; 1995 a. 247.

SECTION 12. 166.06 (2) of the statutes is renumbered 323.52 (2) and amended to read:

323.52 (2) EXERCISE OF GOVERNMENTAL AUTHORITY. While the public business is being conducted at an emergency a temporary location, the governing body and other officers of a county, town or municipality of this state local unit of government shall have, possess and exercise, at such location, all of the executive, legislative, administrative, and judicial powers and functions conferred upon such the body and officers under state law. Such Those powers and functions, except judicial, may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of such the body and officers shall be as valid and binding as if performed within the territorial limits of their county, town or municipality local unit of government.

History: 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.06; 1995 a 47.

SECTION 13. 166.06 (3) of the statutes is repealed.

SECTION 14. 166.07 (title) of the statutes is renumbered 323.54 (title) and amended to read:

323.54 (title) Succession to office; local offices officers.

History: 1979 c. 361 s. 56; Stats. 1979 s. 166.07.

SECTION 15. 166.07 of the statutes is renumbered 323.54 (1) and amended to read:

323.54 (1) The governing body of any county, town or municipality political subdivision may enact such ordinances and resolutions as are necessary to provide for the continuity of government in the event of and throughout the duration of a state of emergency resulting from enemy action. Such ordinances and resolutions shall to provide a method by which temporary emergency interim appointments to public office are made, except as limited by express constitutional provisions and during periods of emergency to fill vacancies in offices that result from enemy action.

1 The ordinances or resolutions ✓ shall define the scope of the powers and duties which
2 that interim appointees ✓ may be exercised exercise, and shall provide for termination
3 of the appointment so made. This section shall control notwithstanding any
4 statutory provision to the contrary or in conflict herewith interim appointments. ✓

5 **SECTION 16.** 166.08 (title) ✓ of the statutes is renumbered 323.53 (title) and
6 amended to read:

7 **323.53 (title) Succession to office; state officers.** ✓

8 History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

8 **SECTION 17.** 166.08 (1) of the statutes is repealed.

9 **SECTION 18.** 166.08 (2) (intro.) of the statutes is renumbered 323.50 (intro.) and
10 amended to read:

11 **323.50 Definitions.** (intro.) As used in In this section unless the context
12 clearly requires otherwise subchapter. ✓

13 History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

13 **SECTION 19.** 166.08 (2) (a) of the statutes is repealed.

14 **SECTION 20.** 166.08 (2) (b) of the statutes is renumbered 323.50 (1) and
15 amended to read:

16 **323.50 (1)** ~~Emergency interim~~ Interim successor" means a person designated
17 under this section subchapter, if the officer is unavailable as the result of enemy
18 action, to exercise the powers and discharge the duties of an office until a successor
19 is appointed or elected and qualified as provided by law or until the lawful incumbent
20 is able to resume the exercise of the powers and discharge the duties of the office.

21 History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

21 **SECTION 21.** 166.08 (2) (c) of the statutes is renumbered 323.50 (2) and
22 amended to read:



1 323.50 (2) ✓ "Office" includes all state and local offices, the powers and duties of
2 which are defined by law, except the office of governor, and except those in the
3 legislature and the judiciary. An "officer" is ✓

4 (3) "Officer" means ✓ a person who holds an office.

5 SECTION 22. 166.08 (2) (d) of the statutes is renumbered ✓ 323.50 (4) and
6 amended to read:

7 323.50 (4) "Political subdivision" ✓ includes counties, towns, municipalities ✓ local
8 units of government, special districts, authorities, and other public corporations and
9 entities whether organized and existing under charter or general law.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

10 SECTION 23. 166.08 (2) (e) of the statutes is renumbered ✓ 323.50 (5) and
11 amended to read:

12 323.50 (5) "Unavailable" ✓ means that ~~during a state of emergency resulting~~
13 ~~from enemy action, either~~ a vacancy in office exists and there is no deputy authorized
14 to exercise all of the powers and discharge the duties of the office, or that the lawful
15 incumbent of the office and his or her duly authorized deputy are absent or unable
16 to exercise the powers and ~~discharge~~ the duties of the office.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

17 SECTION 24. 166.08 (3) of the statutes is renumbered 323.53 (1) ✓ and amended
18 to read:

19 323.53 (1) EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR. If, as the
20 result of enemy action ✓, the governor is unavailable ✓, and if the lieutenant governor
21 and the secretary of state are unavailable, the attorney general, state treasurer,
22 speaker of the assembly, and the president of the senate shall in the order named if
23 the preceding named officers are unavailable, exercise the powers and discharge the
24 duties of the office of governor until a new governor is elected and qualified, or until

1 a preceding named officer becomes available; but no emergency interim successor to
2 the aforementioned those offices may serve as governor.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

3 **SECTION 25.** 166.08 (4) of the statutes is renumbered 323.53 (2), and 323.53 (2)
4 (intro.), (a) and (b) (intro.), as renumbered, are amended to read:

5 323.53 (2) EMERGENCY INTERIM INTERIM SUCCESSORS FOR OTHER STATE OFFICERS.

6 (a) All state officers, subject to such regulations as that the governor, or other official
7 authorized under the constitution or this section to exercise the powers and
8 discharge the duties of the office of governor, may issue, shall, in addition to any
9 deputy authorized to exercise all of the powers and discharge the duties of the office,
10 designate by title emergency interim successors and specify their order of succession.
11 The officer shall review and revise, as necessary, designations made pursuant to
12 under this section to ensure their current status. The officer shall designate a
13 sufficient number of emergency interim successors so that there will be not less fewer
14 than 3 nor more than 7 deputies or emergency interim successors or any combination
15 of deputies or emergency interim successors, at any time.

16 (b) If, as a result of enemy action, any state officer is unavailable following an
17 attack, and if his or her deputy, if any, is also unavailable, the powers of his or her
18 office shall be exercised and the duties of his or her office shall be discharged by his
19 or her designated emergency interim successors in the order specified. The
20 emergency interim successor shall exercise the powers and discharge the duties of
21 the office only until any of the following occurs:

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

22 **SECTION 26.** 166.08 (5) of the statutes is repealed.

23 **SECTION 27.** 166.08 (6) (title) of the statutes is repealed.

INS
13-21
(to ins
31-3)

SECTION 28. 166.08 (6) of the statutes is renumbered 323.54 (2) and amended to read:

323.54 (2) ~~This section applies to officers of all political subdivisions not included in sub. (5).~~ Such officers, Each officer of a political subdivision for whom an interim successor is not determined by ordinance or resolution adopted under sub. (1) shall, subject to such regulations as the executive head of the political subdivision issues, shall designate by title, if feasible, or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this section to ensure their current status. The officer shall designate a sufficient number of persons so that there will be not less fewer than 3 nor more than 7 deputies or emergency interim successors or any combination thereof at any time. If any officer of any political subdivision or his or her deputy provided for pursuant to law is unavailable, the powers of the office shall be exercised and duties shall be discharged by his or her designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as the vacancy which may exist that exists is filled in accordance with the constitution or statutes or until the officer or his or her deputy or a preceding emergency interim successor again becomes available to exercise the powers and discharge the duties of his or her office.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

SECTION 29. 166.08 (7) of the statutes is renumbered 323.55 (1) and amended to read:

323.55 (1) STATUS AND QUALIFICATIONS OF DESIGNEES. No person shall may be designated or serve as an emergency interim successor under this subchapter unless

he or she is eligible under the constitution and statutes to hold the office to which powers and duties he or she is designated to succeed, but no[✓] constitutional or statutory provision prohibiting local or state officials from holding another office shall be applicable to an emergency interim successor.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

SECTION 30. 166.08 (8) of the statutes is renumbered 323.55 (2)[✓] and amended to read:

323.55 (2) FORMALITIES OF TAKING OFFICE.[✓] ~~Emergency interim~~ Interim successors shall take ~~such oath as may be~~ any oath[✓] required for them to exercise the powers and discharge the duties of the office to which they may succeed. No person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he or she succeeds, shall be required to comply with any other provision of law relative to taking office.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

SECTION 31. 166.08 (9) of the statutes is renumbered 323.55 (3)[✓] and amended to read:

323.55 (3) PERIOD IN DURING WHICH AUTHORITY MAY BE EXERCISED. Officials ~~authorized to act as governor pursuant to this section and emergency interim successors are empowered to exercise the powers and discharge the duties of an office as herein authorized~~ An interim successor[✓] ~~to an office may discharge the~~ the ~~duties of the office~~[✓] only during the continuance of an emergency resulting from enemy action in the form of an attack.[✓] The legislature, by joint resolution, may at any time terminate the authority of said ~~emergency~~ an interim successors[✓] successor to exercise the powers and discharge the duties of office as herein[✓] provided.[✓] provided in this subchapter

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

SECTION 32. 166.08 (10) of the statutes is renumbered 323.55 (4)[✓] and amended to read:

1 323.55 (4) REMOVAL OF DESIGNEES. Until such time as the persons designated
2 as emergency interim successors are authorized to exercise the powers and discharge
3 the duties of an office in accordance with this section, ~~said subchapter~~, those persons
4 shall serve in their designated capacities at the pleasure of the designating authority.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

5 **SECTION 33.** 166.08 (11) of the statutes is renumbered 323.55 (5) and amended
6 to read:

7 323.55 (5) DISPUTES. Any dispute concerning a question of fact arising under
8 this section subchapter with respect to an office in the executive branch of the state
9 government, except a dispute of fact relative to the office of governor, shall be
10 adjudicated by the governor or other official authorized under the constitution or this
11 section subchapter to exercise the powers and discharge the duties of the office of
12 governor and his or her decision shall be final.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

13 **SECTION 34.** 166.09 of the statutes is renumbered 323.41 (5) and amended to
14 read: ~~CS → PUBLIC SHELTERS; IMMUNITY FROM CIVIL LIABILITY~~
~~Strike~~

15 323.41 (5) SHELTER PROVIDER (a) Any person owning or controlling real estate
16 or other premises property who voluntarily and without compensation grants to the
17 state or any of its political subdivisions a license or privilege, or otherwise permits
18 the state or any of its political subdivisions to inspect, designate and use the whole
19 or any part thereof of the real property for the purpose of sheltering persons during
20 an actual, impending, mock or practice attack shall, together with his or her
21 successors in interest, if any, is not be civilly liable for negligently causing the death
22 of or injury to any person on or about such real estate or premises under such license,
23 privilege, or permission or for loss or damage to the property of such person a
24 disaster, an imminent threat of a disaster, or a related training exercise, is

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considered an officer, employee, or agent of the state under ss. 165.25, 893.82, and 895.46 or of the political subdivision under ss. 893.80, 895.35, and 895.46, whichever uses the real property, for purposes of a claim arising from the use of the real property, if the owner or controller has complied with sub. (2) par. (b).

(end ins)

Ins. 31.20:

or that are not paid by another state under a mutual aid agreement or by a gift or grant

Ins 48-10:

SECTION 35. 250.01 (intro.) of the statutes is amended to read:

250.01 Definitions. (intro.) In chs. 250 to 256 257, unless the context requires otherwise:

History: 1993 a. 27 ss. 162, 322, 449; 1995 a. 27 s. 9126 (19); 1999 a. 9, 22; 2001 a. 16, 109; 2003 a. 158; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 130.

Ins 51-8:

SECTION 36. 250.042 (4) (a) 1. of the statutes is renumbered 257.01 (1) (intro.)

and amended to read:

257.01 (1) (intro.) "Behavioral health provider" means any of the following:

(a) An individual who at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has, under ~~chapter~~ ^{ch.} 455, been is licensed as a psychologist or has, under ch. 457, been is certified as a social worker

250.042 (4)
SECTION #. 250.042 (4) (a) (intro.) is repealed.

of the statutes

or licensed as a clinical social worker, a marriage and family therapist, or a professional counselor.

History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (i).

SECTION 37. 250.042 (4) (a) 2. of the statutes is renumbered 257.01 (4).

SECTION 38. 250.042 (4) (a) 3. of the statutes is renumbered 257.01 (5) (intro.)

and amended to read:

257.01 (5) (intro.) "Health care provider" means an any of the following:

(a) An individual who, ~~at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23,~~ has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em), or (g), has been is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, ~~licensed as a veterinarian under ch. 453,~~ or has been certified as a respiratory care practitioner under ch. 448.

NOTE: NOTE: Subd. 3. is shown as amended eff. 1-1-09 by 2007 Wis. Act 153. Prior to 1-1-09 it reads: NOTE:

3. "Health care provider" means an individual who, at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has met requirements for a nurse's assistant under s. 146.40 (2) (a), (b), (bm), (c), (e), (em), (f), or (g), has been licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse or nurse-midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian under ch. 453, or has been certified as a respiratory care practitioner under ch. 448.

History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

SECTION 39. 250.042 (4) (a) 3m. of the statutes is renumbered 257.01 (6).

SECTION 40. 250.042 (4) (a) 4. of the statutes is renumbered 257.01 (9) (intro.)

and amended to read:

257.01 (9) (intro.) "Pupil services provider" means an any of the following:

(a) An individual who, ~~at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23,~~ has been is licensed as a school counselor, school psychologist, or school social worker under rules promulgated by the department of public instruction.

History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

1 **SECTION 41.** 250.042 (4) (a) 5. of the statutes is renumbered 257.01 (11) (intro.)
2 and amended to read:

3 257.01 (11) (intro.) "Substance abuse prevention provider" means an any of the
4 following:

5 (a) An individual who, at any time within 10 years before a state of emergency
6 is declared under s. 166.03 (1) (b) 1. or 166.23, has been is certified as a counselor,
7 supervisor, or specialist described under s. HFS 75.02 (11) and (84), Wis. Adm. Code,
8 in effect on January 20, 2006, or has been certified as a substance abuse counselor,
9 clinical supervisor, or prevention specialist under s. 440.88.

History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; 3.92 (2) (i).

10 **SECTION 42.** 250.042 (4) (b) of the statutes is renumbered 257.03 (1) (intro.) and
11 amended to read:

12 ^{plain} **257.03** (1) ^(intro.) A behavioral health provider, health care provider, pupil services
13 provider, substance abuse prevention provider Except as provided in sub. (3), a
14 practitioner who, during a state of emergency declared under s. 166.03 (1) (b) 1. or
15 166.23 and in a geographic area in which the state of emergency applies, provides
16 behavioral health services, health care services, pupil services, or substance abuse
17 prevention services for which the individual is or has been licensed or, certified,
18 registered, or, if in the case of a nurse aide, has met requirements under s. 146.40
19 qualified, is, for any claim arising from the provision of these the services, a state
20 agent of the department for purposes of under ss. 165.25 (6), 893.82, and 895.46 and,
21 except as provided in sub. (2), is considered an employee of the state for purposes of
22 worker's compensation benefits. under ch. 102 if all of the following apply:

23 (a) The behavioral health services, health care services, pupil services, or
24 substance abuse prevention services shall be are provided on behalf of a health care

↓

1 facility or mass clinic on a voluntary, unpaid basis, except that the behavioral health
2 provider, health care provider, pupil services provider, or substance abuse
3 prevention provider may accept reimbursement for travel, lodging, and meals. The
4 health care facility on whose behalf the services are provided is, for the provision of
5 the services, a state agent of the department for purposes of ss. 165.25 (6), 893.82,
6 and 895.46, or at the request of the department or a local health department.

7 **SECTION 43.** 250.042 (4) (c) of the statutes is repealed.

8 (end ins)

10 **Ins 52-7:**

11 **SECTION 44.** 256.15 (2) of the statutes is amended to read:

12 256.15 (2) LICENSE OR CERTIFICATE REQUIRED. No Except when acting under s.
13 257.03, no person may act as or advertise for the provision of services as an
14 ambulance service provider unless the person holds an ambulance service provider
15 license issued under this section. No Except when acting under s. 257.03, no
16 individual may act as or advertise for the provision of services as an emergency
17 medical technician unless he or she holds an emergency medical technician license
18 or training permit issued under sub. (5). No Except when acting under s. 257.03, no
19 individual may act as or advertise for the provision of services as a first responder
20 unless he or she holds a first responder certificate issued under sub. (8).

History: 1973 c. 321; 1975 c. 39 ss. 645 to 647d, 732 (2); 1975 c. 224; 1977 c. 29, 167; 1979 c. 321; 1981 c. 73, 380; 1981 c. 391 s. 211; 1983 a. 189; 1985 a. 120, 135; 1987 a. 70, 399; 1989 a. 31; 1989 a. 102 ss. 20, 21, 36 to 59; 1991 a. 39, 238; 1993 a. 27, 29, 105, 183, 251, 399; 1997 a. 79, 191, 237; 1999 a. 7, 56; 2001 a. 109; 2005 a. 25, 486; 2007 a. 104; 2007 a. 130 ss. 50 to 52, 55 to 57, 63 to 66, 69, 71 to 104; Stats. 2007 c. 256.15; s. 13.92 (1) (bm) 2.

21 **SECTION 45.** Chapter 257 (title) of the statutes is created to read:

22 **CHAPTER 257**

23 **EMERGENCY VOLUNTEER HEALTH CARE PRACTITIONERS**

24 **SECTION 46.** 257.01 (1) (intro.) of the statutes is created to read:

① 257.01 **Definitions.** (intro.) In this chapter: ✓
②

SECTION 47. 257.01 (1) (b) ✓ and (c) ✓ of the statutes are created to read:

3 257.01 (1) (b) An individual who was at any time within the previous 10 ✓ years,
4 but is not currently, ✓ licensed as a psychologist under chapter 455 ✓ or certified as a
5 social worker or licensed as a clinical social worker, a marriage and family therapist,
6 or a professional counselor under ch. 457, ✓ if the individual's license or certification
7 was never revoked, limited, suspended, or denied renewal. ✓

8 (c) An individual who holds a valid, unexpired ✓ license, certification, or
9 registration ✓ issued by another state or territory that authorizes or qualifies the
10 individual to perform acts that are substantially the same as those acts that an
11 individual under par. (a) ✓ is licensed or certified to perform. ✓

12 SECTION 48. 257.01 (2) ✓ of the statutes is created to read:

13 257.01 (2) "Emergency medical services provider" ✓ means any of the following:

14 (a) An individual who is licensed as an emergency medical technician ✓ or
15 certified as a first responder under s. 256.15. ✓

16 (b) An individual who was at any time in the previous 10 ✓ years, but is not
17 currently, licensed as an emergency medical technician ✓ or certified as a first
18 responder under s. 256.15, ✓ if the individual's license was never revoked, limited,
19 suspended, or denied renewal. ✓

20 (c) An individual who holds a valid, unexpired license, certification, or
21 registration ✓ issued by another state or territory that authorizes or qualifies the
22 individual to perform acts that are substantially the same as those acts that an
23 individual under par. (a) ✓ is licensed or certified to perform. ✓

24 SECTION 49. 257.01 (3) ✓ of the statutes is created to read:

25 257.01 (4) "Funeral director" ✓ means any of the following:

③



(a) An individual who is licensed as a funeral director under ch. 445.

(b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a funeral director under ch. 445, if the individual's license was never revoked, limited, suspended, or denied renewal.

(c) An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual under par. (a) is licensed to perform.

SECTION 50. 257.01 (5) (b) and (c) of the statutes are created to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

(c) An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual under par. (a) is licensed or certified to perform.

SECTION 51. 257.01 (7) of the statutes is created to read:

257.01 (7) "Nurse aide" means any of the following:

(a) An individual who satisfies the requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em), or (g).

(b) An individual who did at any time within the previous 10 years, but does not currently, satisfy the requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em), or (g), if the individual's name has never been listed under s. 146.40 (4g) (a) 2., 2005 stats., or s. 146.40 (4g) (a) 2.

(c) An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual under par. (a) is qualified to perform.

SECTION 52. 257.01 (8) of the statutes is created to read:

257.01 (8) "Practitioner" means a behavioral health provider, emergency medical services provider, funeral director, health care provider, nurse aide, pupil services provider, substance abuse prevention provider, or veterinary provider.

SECTION 53. 257.01 (9) (b) and (c) of the statutes are created to read:

257.01 (9) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a school counselor, a school psychologist, or a school social worker under rules promulgated by the department of public instruction, if the individual's license was never revoked, limited, suspended, or denied renewal.

(c) An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual under par. (a) is licensed to perform.

SECTION 54. 257.01 (10) of the statutes is created to read:

257.01 (10) "State of emergency" means a state of emergency declared under s. 323.10 or 323.11 or a federal state of emergency.

SECTION 55. 257.01 (11) (b) and (c) of the statutes are created to read:

1 257.01 (11) (b) An individual who was at any time in the previous 10[✓] years, but
2 is not currently, certified as a counselor, supervisor, or specialist[✓] described under s.
3 HFS 75.02 (11) and (84), Wis. Adm. Code[✓], in effect on January 20, 2006[✓], or certified
4 as a substance abuse counselor[✓], clinical supervisor[✓], or prevention specialist[✓] under s.
5 440.88[✓], if the individual's certification was never[✓] revoked, limited, suspended, or
6 denied renewal.

7 (c) An individual who holds a[✓] valid, unexpired license, certification, or
8 registration issued by another state or territory[✓] that authorizes or qualifies the
9 individual to perform acts that are substantially the same as those acts that an
10 individual under par. (a) is certified to perform.

11 **SECTION 56.** 257.01 (12)[✓] of the statutes is created to read:

12 257.01 (12) "Veterinary provider" means any of the following:[✓]

13 (a) An individual who is licensed as a[✓] veterinarian or certified as a veterinary
14 technician under ch. 453[✓].

15 (b) An individual who was at any time within the previous 10[✓] years, but is not
16 currently, licensed as a veterinarian or certified as a veterinary technician under ch.
17 453[✓], if the individual's license or certification was never revoked, limited, suspended,
18 or denied renewal.[✓]

19 (c) An individual who holds a[✓] valid, unexpired license, certification, or
20 registration[✓] issued by another state or territory that authorizes or qualifies the
21 individual to perform acts that are substantially the same as those acts that an
22 individual under par. (a)[✓] is licensed or certified to perform.

23 **SECTION 57.** 257.02[✓] of the statutes is created to read:

24 **257.02 Volunteer registry.** The department shall establish and maintain
25 and⁸ electronic system that may be used to register volunteer practitioners[✓] before or

↓

1 during a state of emergency. The system shall contain information necessary to
2 verify the credentials of volunteer practitioners registered in the system.✓

3 **SECTION 58.** 257.03 (title) of the statutes is created to read:

4 **257.03 (title) Volunteer practitioners indemnified.**✓

5 **SECTION 59.** 257.03 (1) (b), (c)✓ and (d)✓ of the statutes are created to read:

6 257.03 (1) (b) The health care facility,✓ mass clinic,✓ department,✓ or local health
7 department on whose behalf the practitioner✓ provides the services does not
8 compensate the practitioner for the services, except the health care facility, mass
9 clinic, department, or local health department may reimburse the practitioner for
10 travel, lodging, or meals.✓ The practitioner's employer may compensate the
11 practitioner for the services as long as the employer is not the health care facility,
12 mass clinic, department, or local health department✓ on whose behalf the services are
13 provided.

14 (c) The practitioner is registered in the system✓ under s. 257.02.✓


15 (d) If the practitioner provides the services at a health care facility or mass
16 clinic, the practitioner first registers in writing with the health care facility or mass
17 clinic.✓

18 **SECTION 60.** 257.03 (2) of the statutes is created to read:

19 257.03 (2) A practitioner who provides services under sub. (1)✓ is not considered
20 an employee of the state for worker's compensation benefits under ch. 102✓ if the
21 practitioner's employer compensates the practitioner for providing the services.

22 **SECTION 61.** 257.03 (3)✓ of the statutes is created to read:

23 257.03 (3) A practitioner is not a state agent of the department✓ under ss. 165.25
24 (6)✓, 893.82,✓ and 895.46✓ if the practitioner's acts or omissions involve reckless,
25 wanton, or intentional misconduct.✓



1 **SECTION 62.** 257.04[✓] of the statutes is created to read:

2 ⁴~~257.03~~ **Health care facilities indemnified.**[✓] The health care facility on
3 whose behalf services under s. 257.03[✓] are provided is, for the provision of the services,
4 a state agent of the department[✓] for purposes of ss. 165.25 (6),[✓] 893.82,[✓] and 895.46.[✓]

(end ins)

6 **Ins 53-11:**

7 **SECTION 63.** 323.02 (21)[✓] of the statutes is created to read:

8 323.02 (21) "State agency"[✓] means any office, commission, board, department,
9 or bureau of state government.[✓]

11 **Ins 55-14:**

12 **SECTION 64.** 323.18[✓] of the statutes is created to read:

13 **323.18 State agency volunteers.**[✓] A state agency may register or[✓] preregister
14 volunteers to assist the[✓] agency during a disaster, an imminent threat of a disaster,
15 or a related training exercise.[✓]

18 **insert 56-22:**

19 **SECTION 65.** 323.40[✓] of the statutes is created to read:

20 **323.40[✓] Responsibility for worker's compensation.** (1) EMPLOYEES OF
21 LOCAL UNIT OF GOVERNMENT.[✓] An employee of a local unit of government's[✓] emergency
22 management program is an employee of that local unit of government for worker's
23 compensation under ch. 102[✓] unless the responsibility to pay worker's compensation
24 benefits are assigned as provided under s. 66.0313[✓] or under an agreement between
25 the local unit of government and the state or another local unit of government.[✓]

↓

1 (2) STATE AGENCY VOLUNTEERS. A volunteer who registers with a state agency to
2 assist the agency without compensation during a disaster, an imminent threat of a
3 disaster, or a related training exercise is considered an employee of the agency for
4 worker's compensation under ch. 102, for purposes of any claim related to the
5 assistance provided.

****NOTE: Do we want to specify that reimbursement for food, travel, and lodging
does not prohibit an individual from being treated as a volunteer?

6 (3) LOCAL UNIT OF GOVERNMENT VOLUNTEERS. (a) Except as provided in par. (b),
7 an individual who registers in writing with a local unit of government's emergency
8 management program to provide his or her own labor without compensation during
9 a disaster, an imminent threat of a disaster, or a related training exercise is
10 considered an employee of the local unit of government for purpose of worker's
11 compensation under ch. 102 for purposes of any claim relating to the labor provided.

****NOTE: Do we want to specify that reimbursement for food, travel, and lodging
does not prohibit an individual from being treated as a volunteer?

12 (b) This subsection does not apply to an individual's provision of services if s.
13 257.03 applies.

14 SECTION 66. 323.41 (title), (1), (2), (3), (4) and (6) of the statutes are created to
15 read:

16 323.41 (title) Liability of state or local unit of government. (1) EMPLOYEE
17 OF LOCAL UNIT OF GOVERNMENT. An employee of a local unit of government's emergency
18 management program is an employee of that local unit of government under ss.
19 893.80, 895.35, and 895.46 for purposes of any claim, unless the responsibility
20 related to a claim under ss. 893.80, 895.35, and 895.46 are assigned as provided
21 under s. 66.0313 or under an agreement between the local unit of government and
22 the state or another local unit of government.

1 (2) STATE AGENCY VOLUNTEERS. A volunteer who registers with a state agency
2 to assist the agency without compensation during a disaster, an imminent threat of
3 a disaster, or a related training exercise is considered an employee of the agency
4 under ss. 893.82 and 895.46, for purposes of any claim related to the assistance
5 provided.

****NOTE: Do we want to specify that reimbursement for food, travel, and lodging
does not prohibit an individual from being treated as a volunteer?


6 (3) LOCAL UNIT OF GOVERNMENT VOLUNTEERS. (a) Except as provided in par. (b),
7 an individual who registers in writing with a local unit of government's emergency
8 management program to provide his or her own labor without compensation during
9 a disaster, an imminent threat of a disaster, or a related training exercise is
10 considered an employee of the local unit of government under ss. 893.80, 895.35, and
11 895.46 for purposes of any claim relating to the labor provided.

****NOTE: Do we want to specify that reimbursement for food, travel, and lodging
does not prohibit an individual from being treated as a volunteer?

12 (b) This subsection does not apply to an individual's provision of services if s.
13 257.03 applies.

14 (4) PROVIDER OF EQUIPMENT, MATERIALS, AND FACILITIES. (a) A person who during
15 a state of emergency declared under s. 323.10 or during related training exercises
16 directed by a state agency registers in writing with a local unit of government's
17 emergency management program to provide equipment, materials, the labor of
18 others, or facilities, other than facilities used as a shelter under sub. (5), is considered
19 an employee of the state under ss. 893.82 and 895.46 for purposes of any claim in
20 connection with providing the equipment, materials, the labor of others, or facilities.

21 (b) Except as provided under par. (a), a person who during a state of emergency
22 declared under s. 323.11 or during related training exercises directed by the local



unit of government registers in writing with a local unit of government's emergency management program to provide equipment, materials, the labor of others, or facilities, other than facilities used as a shelter under sub. (5), is considered an employee of the local unit of government under ss. 893.80, 895.35, and 895.46 for purposes of any claim in connection with providing the equipment, materials, the labor of others, or facilities.

****NOTE: Paragraph (b) does not specify which local unit of government indemnifies the provider of equipment. Is it the local unit of government that declares the state of emergency or the local unit of government that registers the person?

****NOTE: Do paragraphs (b) and (c) allocate responsibility for indemnifying equipment providers to the state and local units of government as the committee wishes? We had discussed allocating responsibility for indemnification based on whether the state or a local unit of government registers the provider of equipment. Did the committee dispense with this idea?

(c) This subsection does not apply to a person's provision of services if s. 257.03 applies.

(6) This section does not apply if the person's act or omission involves reckless, wanton, or intentional misconduct.

SECTION 67. 323.42 of the statutes is created to read:

323.42 Reimbursement of local units of government.

Ins 57-14

SECTION 68. 323.50 (1) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is amended to read:

323.50 (1) "Interim successor" means a person designated under this subchapter, if the officer is unavailable as the result of enemy action, a disaster or the imminent threat of a disaster, to exercise the powers and discharge the duties of an

1 office until a successor is appointed or elected and qualified as provided by law or
2 until the lawful incumbent is able to resume the exercise of the powers and discharge
3 the duties of the office.

4 **SECTION 69.** 323.51 (2) of the statutes is created to read:

5 323.51 (2) DESIGNATION OF TEMPORARY LOCATION BY THE LEGISLATURE. (a) The
6 legislature, by joint rule, may provide a process for designating an temporary seat
7 of government for the legislature that is different than the location under sub. (1).

8 (b) Whenever, as the result of a disaster or the imminent threat of a disaster,
9 it becomes imprudent, inexpedient, or impossible to conduct the business of the
10 legislature at the state capitol, the legislature may meet at the temporary location
11 designated under par. (a) or sub. (1) until the results of the disaster or the
12 threat of a disaster have ended.

13 (c) Pursuant to the session schedule under s. 13.02 (3), the legislature may meet
14 for up to one week per session in a location that is not the state capitol or the
15 temporary location designated under par. (a) or sub. (1) to practice meeting at a
16 temporary location.

17 (d) Information about the temporary location designated under par. (a) is not
18 subject to inspection or copying under s. 19.35 (1).

19 **SECTION 70.** 323.53 (1) of the statutes, as affected by 2009 Wisconsin Act ... (this
20 act), is amended to read:

21 323.53 (1) EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR. If, as the
22 result of ~~enemy action~~ a disaster or the imminent threat of a disaster, the governor
23 is unavailable and the lieutenant governor and the secretary of state are
24 unavailable, the attorney general, state treasurer, speaker of the assembly, and the
25 president of the senate shall in the order named if the preceding named officers are

✓

1 unavailable, exercise the powers and discharge the duties of the office of governor
2 until a new governor is elected and qualified, or until a preceding named officer
3 becomes available; but no interim successor to those offices may serve as governor. ✓

4 SECTION 71. 323.53 (2) (b) of the statutes, as affected by 2009 Wisconsin Act ...
5 (this act), is amended to read:

6 (b) If, as a result of enemy action a disaster or the imminent threat of a disaster, ✓
7 any state officer is unavailable and his or her deputy, if any, is also unavailable, the
8 powers of his or her office shall be exercised and the duties of his or her office shall
9 be discharged by his or her designated interim successors in the order specified. The
10 interim successor shall exercise the powers and discharge the duties of the office only
11 until any of the following occurs:

12 SECTION 72. 323.54 (1) of the statutes, as affected by 2009 Wisconsin Act ... (this
13 act), is amended to read:

14 323.54 (1) The governing body of any political subdivision may enact
15 ordinances and resolutions to provide a method by which interim appointments to
16 public office are made during periods of emergency to fill vacancies in offices that
17 result from enemy action ✓ a disaster or the imminent threat of a disaster. The
18 ordinances or resolutions shall define the scope of the powers and duties that interim
19 appointees may exercise, and shall provide for termination of the interim
20 appointments.

21 SECTION 73. 323.55 (title) of the statutes is created to read:

22 323.55 (title) **Interim successors.** ✓

23 SECTION 74. 323.55 (3) of the statutes, as affected by 2009 Wisconsin Act ... (this
24 act), is amended to read:

1 323.55 (3) PERIOD DURING WHICH AUTHORITY MAY BE EXERCISED. ✓ An interim
2 successor to an office may discharge the ^e(the) duties of the office only during the
3 continuance of an emergency resulting from ~~enemy action in the form of an attack~~
4 a disaster or the imminent threat of a disaster. ✓ The legislature, by joint resolution,
5 may at any time terminate the authority of an interim successor to exercise the
6 powers and discharge the duties of office provided in this subchapter. ✓
7
8

9 **Ins 58-9:**

10 **SECTION 75.** 440.88 (5) ✓ of the statutes is amended to read:

11 440.88 (5) CERTIFICATION REQUIRED. Except as provided in sub. (3m) and s.
12 ~~250.042 (4) (b)~~ ✓ 257.03, no person may represent himself or herself to the public as a
13 substance abuse counselor, clinical supervisor, or prevention specialist or a certified
14 substance abuse counselor, clinical supervisor, or prevention specialist or use in
15 connection with his or her name a title or description that conveys the impression
16 that he or she is a substance abuse counselor, clinical supervisor, or prevention
17 specialist or a certified substance abuse counselor, clinical supervisor, or prevention
18 specialist unless he or she is so certified under sub. (2).

History: 2005 a. 25; 2005 a. 96 s. 4m; 2005 a. 254 s. 37; 2005 a. 407; 2007 a. 20, 99.

19 **SECTION 76.** 441.06 (4) of the statutes is amended to read:

20 441.06 (4) Except as provided in s. ~~250.042 (4) (b)~~ ✓ 257.03, no person may
21 practice or attempt to practice professional nursing, nor use the title, letters, or
22 anything else to indicate that he or she is a registered or professional nurse unless
23 he or she is licensed under this section. Except as provided in s. ✓ ~~250.042 (4) (b)~~
24 257.03 ✓, no person not so licensed may use in connection with his or her nursing



1 employment or vocation any title or anything else to indicate that he or she is a
2 trained, certified or graduate nurse. This subsection does not apply to any person
3 who is licensed to practice nursing by a jurisdiction, other than this state, that has
4 adopted the nurse licensure compact under s. 441.50.

History: 1971 c. 125, 215; 1973 c. 159; 1975 c. 39, 199; 1977 c. 29, 164; 1979 c. 34, 162; 1987 a. 27, 264; 1991 a. 39; 1999 a. 22; 2001 a. 107; 2005 a. 96, 187; 2007 a. 20.

5 **SECTION 77.** 441.10 (3) (c) of the statutes is amended to read:

6 441.10 (3) (c) No license is required for practical nursing, but, except as
7 provided in s. ~~250.042 (4) (b)~~ 257.03, no person without a license may hold himself
8 or herself out as a licensed practical nurse or licensed attendant, use the title or
9 letters "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.",
10 "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to
11 indicate that he or she is a licensed practical nurse or licensed attendant. No licensed
12 practical nurse or licensed attendant may use the title, or otherwise seek to act as
13 a registered, licensed, graduate or professional nurse. Anyone violating this
14 subsection shall be subject to the penalties prescribed by s. 441.13. The board shall
15 grant without examination a license as a licensed practical nurse to any person who
16 was on July 1, 1949, a licensed attendant. This paragraph does not apply to any
17 person who is licensed to practice practical nursing by a jurisdiction, other than this
18 state, that has adopted the nurse licensure compact under s. 441.50.


History: 1971 c. 125, 215; 1975 c. 39, 199; 1977 c. 29, 418; 1979 c. 34, 162, 337; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 273 ss. 3, 8; 1987 a. 27, 264; 1991 a. 39; 1999 a. 22; 2001 a. 107; 2005 a. 96; 2007 a. 20.

19 **SECTION 78.** 441.15 (2) (intro.) of the statutes is amended to read:

20 441.15 (2) (intro.) Except as provided in sub. (2m) and s. ~~250.042 (4) (b)~~ 257.03,
21 no person may engage in the practice of nurse-midwifery unless each of the following
22 conditions is satisfied:

History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107; 2003 a. 321; 2005 a. 96, 292; 2007 a. 20, 97.

23 **SECTION 79.** 441.15 (5) (a) 5. of the statutes is amended to read:



1 441.15 (5) (a) 5. The provision of services by a nurse-midwife under s. 250.042

2 (4) (b) 257.03. ✓

3 History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107; 2003 a. 321; 2005 a. 96, 292; 2007 a. 20, 97.

3 SECTION 80. 445.04 (2) of the statutes, as affected by 2007 Wisconsin Act 20, ✓

4 is amended to read:

5 (2) No Except as provided in s. 257.03, no person may engage in the business
6 of a funeral director, or make a representation as engaged in such business, in whole
7 or in part, unless first licensed as a funeral director by the examining board.
8 Application for a license, other than a renewal, shall be in writing and verified on a
9 form to be furnished by the department. The application must specify the address
10 at which the applicant proposes to conduct the business of a funeral director and
11 shall contain such other information as the examining board requires to determine
12 compliance with the requirements of this chapter. Accompanying the application
13 shall be the initial credential fee determined by the department under s. 440.03 (9)
14 (a), together with affidavits of recommendation from at least 2 persons of the county
15 in which the applicant resides or proposes to conduct the business of a funeral
16 director.

History: 1971 c. 301; 1975 c. 39 ss. 653, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 661; Stats. 1979 s. 445.04; 1981 c. 162, 380; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9126 (19); 2005 a. 266; 2007 a. 20 ss. 3514, 9121 (6) (a).

17 SECTION 81. 447.03 (1) (intro.) of the statutes is amended to read:

18 447.03 (1) DENTISTS. (intro.) Except as provided under sub. (3) and s. 250.042 ✓

19 (4) (b) 257.03, no person may do any of the following unless he or she is licensed to
20 practice dentistry under this chapter:

History: 1989 a. 349 ss. 15, 18; 1997 a. 96; 2005 a. 96.

21 SECTION 82. 448.03 (2) (p) of the statutes is amended to read:



1 448.03 (2) (p) The provision of services by a health care provider under s.
2 ~~250.042 (4) (b)~~ [✓] 257.03.

History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97.

3 **SECTION 83.** 448.03 (3) (a) (intro.) [✓] of the statutes is amended to read:

4 448.03 (3) (a) (intro.) Except as provided in s. ~~250.042 (4) (b)~~ [✓] 257.03, no person
5 may use or assume the title “doctor of medicine” or append to the person’s name the
6 letters “M.D.” unless one of the following applies:

History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97.

7 **SECTION 84.** 448.03 (3) (b) [✓] of the statutes is amended to read:

8 448.03 (3) (b) Except as provided in s. ~~250.042 (4) (b)~~ [✓] 257.03, no person not
9 possessing the degree of doctor of osteopathy may use or assume the title “doctor of
10 osteopathy” or append to the person’s name the letters “D.O.”.

History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97.

11 **SECTION 85.** 448.03 (3) (e) of the statutes is amended to read:

12 448.03 (3) (e) Except as provided in s. ~~250.042 (4) (b)~~ [✓] 257.03, no person may
13 designate himself or herself as a “physician assistant” or use or assume the title
14 “physician assistant” or append to the person’s name the words or letters “physician
15 assistant” or “P.A.” or any other titles, letters or designation which represents or may
16 tend to represent the person as a physician assistant unless he or she is licensed as
17 a physician assistant by the board.

History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97.

18 **SECTION 86.** 448.61 of the statutes is amended to read:

19 **448.61 License required.** Except as provided in ss. ~~250.042 (4) (b)~~ [✓] 257.03 and
20 448.62, no person may practice podiatry, designate himself or herself as a podiatrist,
21 use or assume the title “doctor of surgical chiropody”, “doctor of podiatry” or “doctor
22 of podiatric medicine”, or append to the person’s name the words or letters “doctor”,



1 "Dr.", "D.S.C.", "D.P.M.", "foot doctor", "foot specialist" or any other title, letters or
2 designation which represents or may tend to represent the person as a podiatrist
3 unless the person is licensed under this subchapter.

History: 1997 a. 175; 2005 a. 96.

4 **SECTION 87.** 448.66 of the statutes is amended to read:

5 **448.66 Malpractice.** Except as provided in s. 250.042 (4) (b) 257.03, a person
6 who practices podiatry without having a license under this subchapter may be liable
7 for malpractice, and his or her ignorance of a duty ordinarily performed by a licensed
8 podiatrist shall not limit his or her liability for an injury arising from his or her
9 practice of podiatry.

History: 1997 a. 175; 2005 a. 96.

10 **SECTION 88.** 450.03 (1) (h) of the statutes is amended to read:

11 450.03 (1) (h) The provision of services by a health care provider under s.
12 250.042 (4) (b) 257.03.

(end ins)

History: 1985 a. 146; 1987 a. 264; 1991 a. 39; 2001 a. 16; 2005 a. 96.

13
14
15 **Ins 58-13:**

16 **SECTION 89.** 453.05 (1) of the statutes is amended to read:

17 453.05 (1) Except as provided under sub. (2) and s. 250.042 (4) (b) 257.03, no
18 person may offer to practice, advertise to practice or practice veterinary medicine,
19 or use, in connection with his or her name, any title or description which may convey
20 the impression that he or she is a veterinarian, without a license or temporary permit
21 from the examining board. For purposes of this subsection, a person who makes
22 extra-label use of a drug on an animal without a prescription or in any manner not
23 authorized by that prescription is considered to be practicing veterinary medicine.

24 **SECTION 90.** 455.02 (1m) of the statutes is amended to read:

↓

1 455.02 (1m) LICENSE REQUIRED TO PRACTICE. Except as provided in s. 250.042
2 ~~(4) (b) 257.03~~[✓], no person may engage in the practice of psychology or the private
3 practice of school psychology, or attempt to do so or make a representation as
4 authorized to do so, without a license issued by the examining board.

History: 1979 c. 162 ss. 30, 38 (7); 1989 a. 243; 1995 a. 27 ss. 9126 (19), 9145 (1); 1995 a. 188; 1995 a. 225 s. 466; 1997 a. 35, 261; 2001 a. 38, 104; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a).

History: 1975 c. 309; 1977 c. 418; 1979 c. 337; 1981 c. 125; 1987[✓] c. 39; 1991 a. 306; 1995 a. 321; 2005 a. 96, 237.

5 **SECTION 91.** 455.02 (3m) of the statutes is amended to read:

6 455.02 (3m) USE OF TITLES. Except as provided in s. ~~250.042 (4) (b) 257.03~~[✓], only
7 an individual licensed under s. 455.04 (1) may use the title "psychologist" or any
8 similar title or state or imply that he or she is licensed to practice psychology, and
9 only an individual licensed under s. 455.04 (4) may use the title "private practice
10 school psychologist" or any similar title or state or imply that he or she is licensed
11 to engage in the private practice of school psychology. Except as provided in s.
12 ~~250.042 (4) (b) 257.03~~[✓], only an individual licensed under s. 455.04 (1) or (4) may
13 represent himself or herself to the public by any description of services incorporating
14 the word "psychological" or "psychology".

History: 1979 c. 162 ss. 30, 38 (7); 1989 a. 243; 1995 a. 27 ss. 9126 (19)[✓], 9145 (1); 1995 a. 188; 1995 a. 225 s. 466; 1997 a. 35, 261; 2001 a. 38, 104; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a).

15 **SECTION 92.** 457.04 (intro.) of the statutes is amended to read:

16 **457.04 Prohibited practices.** (intro.) Except as provided in ss. ~~250.042 (4)~~[✓]
17 ~~(b) 257.03~~[✓] and 457.02, no person may do any of the following:

History: 1971 c. 301; 1975 c. 39 ss. 653, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 661; Stats. 1979 s. 445.04; 1981 c. 162, 380; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9126 (19); 2005 a. 266; 2007 a. 20 ss. 3514, 9121 (6) (a).

(end ins)

20 **Ins 58-16:**

21 **SECTION 93.** 893.82 (2) (d) 1n. of the statutes is amended to read:

22 893.82 (2) (d) 1n. A behavioral health provider, health care provider, pupil
23 services provider, or substance abuse prevention provider practitioner[✓] who provides

↓

services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf services are provided under s. ~~250.042 (4)~~ 257.04, for the provision of those services.

History: 1973 c. 333; 1977 c. 29; 1979 c. 221; 1979 c. 323 s. 30; 1979 c. 355; Stats. 1979 s. 893.82; 1983 a. 27; 1985 a. 66, 340; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 187, 206, 359; 1991 a. 39, 269; 1993 a. 27, 28; 1995 a. 158, 201; 1997 a. 133; 2003 a. 111; 2005 a. 96; 2007 a. 79, 130.

History: 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235; 2005 a. 96, 458; 2007 a. 1; 2007 a. 20 ss. 2904, 9121 (6) (a); 2007 a. 76, 79, 96, 130, 225; s. 13.92 (2) (i).

SECTION 94. 895.46 (5) (am) of the statutes is amended to read:

895.46 (5) (am) A behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider practitioner who provides services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf services are provided under s. ~~250.042 (4)~~ 257.04.

History: 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 895.45; 1975 c. 81, 198, 199; Stats. 1975 s. 895.46; 1977 c. 29; 1979 c. 74, 221; 1981 c. 20; 1981 c. 96 s. 67; 1981 c. 314 s. 136; 1983 a. 6; 1983 a. 27 s. 2202 (32); 1985 a. 29, 66; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 31, 115, 187, 206, 359; 1991 a. 245, 269; 1993 a. 27, 28, 49, 238, 456, 490; 1995 a. 201, 227, 411; 1997 a. 35; 1999 a. 185; 2003 a. 111; 2005 a. 96; 2007 a. 79, 130.

Ins 59-17:

****NOTE: Do we want to change this immunity provision to an indemnity provision, consistent with done in other parts of the bill?

what was

Ins 60-11:

SECTION 95. Effective dates. This act takes effect on the day after publication, except as follows:

(1) SUCCESSION IN EMERGENCIES RESULTING FROM DISASTER. The treatment of sections 13.41, 323.54 (1) [by SECTION], 323.50 (2) (b) [by SECTION], 323.53 (1) [by SECTION], 323.53 (2) (b) [by SECTION], and 323.55 (3) [by SECTION] of the statutes takes effect on the day after the secretary of state notifies the legislature that an amendment to the Wisconsin Constitution has been approved that requires the legislature to provide for temporary succession to the powers and duties of public offices for the period of an emergency resulting from a cause other than an enemy action.

auto ref A (from ins 57-14)

auto ref B (from ins 57-14)

auto ref C (from ins 57-14)

auto ref E (from ins 57-14)

323.54 (1) (by SECTION)

auto ref D (from ins 57-14)

LPS - INS 38-22 (to INS 60-11)

Insert 13-21 (to ~~unx002~~)
Ins 31-3)

Section # 166.08 (4) (b) 3. of the statutes is amended to read:

~~166.08 (4) (b) 3.~~ An officer, the officer's deputy or a preceding named ~~emergency~~ interim successor becomes available to exercise, or resume the exercise of, the powers and discharge the duties of the office.

History: 1979 c. 34; 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.08; 1983 a. 189; 1999 a. 83.

(end ins 13-21 (to Ins 31-3))

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INSERT

eff
date

(#)

FUNERAL DIRECTORS.

section 445.04(2)

July 1, 2009, or the day after
publication, whichever is later.

The treatment of
of the statutes
takes effect on

(end ins 38-22 (to Ins 60-11))